



Montoya, Darlene <dmontoya@nmag.gov>

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## RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

5 messages

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: jgimlert@villageofhatch.or

Mon, Dec 19, 2016 at 1:51 PM

Chief:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
(505) 490-4854



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**Scanned from a Xerox Multifunction Printer.pdf**

83K

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: dmontoya@nmag.gov

Mon, Dec 19, 2016 at 1:51 PM

Delivery to the following recipient failed permanently:

jgimlert@villageofhatch.or

Technical details of permanent failure:

DNS Error: 66818849 DNS type 'mx' lookup of villageofhatch.or responded with code NXDOMAIN  
Domain name not found: villageofhatch.or

— Original message —

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=nmag.gov; s=nmag;

h=mime-version:from:date:message-id:subject:to;

bh=hrgSH5H41xriHOCG2SIAGs3aaJRK6b5QdbvsMXCneol=;

b=iu71qf9wqp1s9Ls4HhMfryetBaaHzE3ETEIZF3+HynkDT4YGMsRkHrKbZBcZ+8sKB/  
HkctsIRC4H1ICm/FTx7Q+F99tpDsWNwiyR/Mt6pmm+7BF6hVBUIjUVT9KvNaq6od+GH8  
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rKmg==

X-Gm-Message-State: AIkVDXLIZqo42D20KU7+n5Nc8dkIkY946GQm8rPRJCK36jERub  
g9h0uTgnsysyJENtlyrNQ7fkIfzeMpvW/Dgcbk  
X-Received: by 10.176.83.210 with SMTP id l18mr4732004uaa.69.1482180673342;  
Mon, 19 Dec 2016 12:51:13 -0800 (PST)  
MIME-Version: 1.0  
Received: by 10.103.3.132 with HTTP; Mon, 19 Dec 2016 12:51:12 -0800 (PST)  
From: "Montoya, Darlene" <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
Date: Mon, 19 Dec 2016 13:51:12 -0700  
Message-ID: <[CACQdxMm0zAePM2titbqzsz7wtxUEkc\\_HdEXQ-P0TffWJqnrfSQ@mail.gmail.com](mailto:CACQdxMm0zAePM2titbqzsz7wtxUEkc_HdEXQ-P0TffWJqnrfSQ@mail.gmail.com)>  
Subject: RE: Request for Policies & Procedures Related to Officer-Involved  
Shooting and Other Use-of-Force Incidents  
To: [jgimler@villageofhatch.org](mailto:jgimler@villageofhatch.org)  
Content-Type: multipart/mixed; boundary=f403045dd076881d880544091434

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[Quoted text hidden]

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: [jgimler@villageofhatch.org](mailto:jgimler@villageofhatch.org)

Mon, Dec 19, 2016 at 1:53 PM

Chief:

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Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
(505) 490-4854



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**James Gimler** <[jgimler@villageofhatch.org](mailto:jgimler@villageofhatch.org)>  
To: "Montoya, Darlene" <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>

Tue, Dec 20, 2016 at 10:04 AM

These Policies were reviewed in August the 12, 2016 when one of our Officers was shot and killed and one of our  
other Officers returned gun fire. After this incident all Officers in Department went over the Deadly and Non Deadly  
force Policies.

Thanks

**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]

**Sent:** Monday, December 19, 2016 1:53 PM

**To:** [jgimler@villageofhatch.org](mailto:jgimler@villageofhatch.org)

**Subject:** Fwd: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

Chief:

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Darlene Montoya, Administrator

New Mexico Attorney General's Office

408 Galisteo Street

Santa Fe, New Mexico 87501

(505) 490-4854



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



**doc00763620161220094514.pdf**  
1504K

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: James Gimler <[jgimler@villageofhatch.org](mailto:jgimler@villageofhatch.org)>

Tue, Dec 20, 2016 at 10:18 AM

Thank you for the quick response Chief Gimler. I hope you and your Department have a very Merry Christmas, and a wonderful and safe New Year.

[Quoted text hidden]

4-15      **NON-DEADLY FORCE**

It is the policy of the Hatch Police Department that members exhaust all other means of apprehension and control before resorting to use of force. The department has equipped each officer with tools, i.e., asp baton, mace, taser to be used in the event that force becomes necessary. The use of Department issued taser is preferable to the use of the asp baton. The use of these non-lethal devices should allow the officer to avoid hand-to-hand confrontations.

4-15-1    **DEFENSIVE ACTION:** Use of non-deadly force and defensive actions are justified to be used by officers against another person to the extent that it is necessary. The following is considered use of non-deadly force and defensive actions:

- A. Any striking force used, including striking with the asp baton or with other Instruments such as fists, flashlight, or walkie talkie.
- B. Any injury to a suspect that resulted from action by an officer or some action under his/her control. This could include an injury caused by a asp baton or restraining hold.
- C. Use of a taser.
- D. Use of chemical agent.

4-15-2    When making a lawful arrest, an officer may use that amount of non-deadly force necessary to overcome resistance.

4-15-3    Officers may use force to defend themselves or a third person from what they reasonable believe to be the use or imminent use of non-deadly force while preventing or attempting to prevent an escape.

**RULES:**

4-15-4    When it is determined that force is necessary, it will be used with discretion and Only to a degree sufficient to overcome resistance or to protect oneself or another.

4-15-5    Department issued chemical agent, and taser will be carried by uniformed members of the Department and used only in accordance with departmental training

- 4-15-6 Uniformed officers of the Department will be equipped with the asp baton while on duty. Only those officers approved in the training and in the use of the asp baton are authorized to utilize it.
- 4-15-7 Striking a person's head with any implement will be avoided, unless the officer has reason to believe that he/she is in immediate danger of great bodily harm.
- 4-15-8 All other instruments of self-defense not authorized by the Department will not be carried.
- 4-15-9 Officers will only carry a kubotan after being certified with it.
- 4-15-10 Choke holds are not authorized and shall not be utilized by members of this Department as a means of non-deadly defensive action.
- 4-15-11 In all instances where physical force or defensive actions are used, officers shall write an offense report and a supplementary report of the incident and submit it to the Chief of Police within 24 hours of the event.

Officers using defensive force as defined in 4-15-1 will write a detailed account of the event.

- A. The offense report will give a brief description of the events.
- B. The supplementary report must include a detailed description of the events leading to the resistance or use of defensive action, the amount and type of action used, the nature and extent of injuries to the officers and subjects, the identity of combatants, officers involved, witnesses and other pertinent information. Officers will advise their supervisor of the incident and provide him with a copy of the report. The report should indicate that a copy go to the Chief of Police.
- C. If an officer is unable to write the report due to personal injury, an offense report will be written by the assisting officer and the supplementary report will be written by the injured officer's supervisor, in accordance with the above requirements.

- 4-15-12 Supervisors will insure that report is sufficiently detailed before signing it. Supervisors will not accept vague references such as "necessary force was used to effect the arrest". Supervisors should review the event to assure compliance with departmental guidelines for use of force. Supervisors should also provide counseling or other action needed to correct any deficiencies and will forward a copy of the report to the Chief of Police.
- 4-15-13 In all instances where the use of deadly force includes the discharge of a firearm, the officer will immediately notify his supervisor, who will notify the Chief of Police. If the supervisors is unavailable for any reason the officer will notify the Chief of Police about the use of force.
- 4-15-14 A written report will be submitted immediately whenever an officer discharges a firearm, other than in training or for authorized recreational purposes.

4-16 **DEADLY FORCE**

It is the policy of the Hatch Police Department that members exhaust all other means of apprehension and control before resorting to the use of deadly force. "Deadly Force" as used in this policy is defined as that force which a reasonable and prudent person would consider likely to cause death or great bodily harm.

- 4-16-1 In the performance of his duties and after all other reasonable means have been weighed, an officer may use deadly force when:
- A. Necessary to effect an arrest when he has probable cause to believe that a suspect has committed or is attempting to commit a felony involving the use or threatened use of deadly force.
  - B. If he or another person is the victim of an assault which is likely to cause death or great bodily harm. An officer is not required to retreat, but may stand his ground and defend himself or another person even to the point of using deadly force against the assailant. The rule of self-defense when necessary to prevent death or great bodily harm is applicable, regardless of age or sex of the assailant.
  - C. In the killing of an animal to prevent harm to the officer or another or when the animal is so badly injured that humanity requires its relief from further suffering or when requested by animal control.

A seriously wounded or injured animal may normally be destroyed after

attempts have been made to request assistance from the agencies (Animal Humane Association of New Mexico, Inc., New Mexico Game and Fish Department, etc.) responsible for the disposal of animals. The target area should be the head unless the possibility of rabies exist.

- 4-16-2 The deliberate discharge of a firearm by an officer is permissible for target practice or competition, at an approved range for authorized purposes.
- 4-16-3 An officer may draw his firearm when necessary in order to control a violent situation or take a suspected felon into custody.
- 4-16-4 An officer will not use Deadly Force when:
  - A. Will not use deadly force or fire his/her weapon as to effect an arrest, unless he has probable cause to believe that a suspect has committed or is attempting to commit a felony involving the use or threatened use of deadly force.
  - B. An officer will not fire his/her weapon as a warning shot, unless doing so would save him or another from death or great bodily harm.
  - C. An officer will not fire his/her weapon from a moving vehicle, except as the ultimate measure of self-defense or defense of another, when the suspect is using deadly force.
  - D. Officers will not intentionally place themselves in the path of a fleeing vehicle and then, in self-defense, fire upon that vehicle and/or its occupants.
  - E. An officer will not use deadly force or fire his/her weapon when it appears that innocent bystanders may be injured, unless, if not doing so would result in death or great bodily harm to himself or others.